

REMARKS

By this Amendment, Applicants have canceled claims 1-12 without prejudice or disclaimer, and added new claims 13-15. Claims 13-15 are pending.

In the last Office Action, the Examiner rejected claims 1-7 and 9-12 under 35 U.S.C. § 102(e) as anticipated by EP 1111612 ("*Shioi*"), and rejected claim 8 under 35 U.S.C. § 103(a) over *Shioi* and U.S. Patent Pub. No. 2001/0033581 ("*Kawarai*").¹

A. Rejection of Claims 1-12

Applicants respectfully traverse the rejections of claims 1-12. In the interest of advancing the prosecution of this case, however, Applicants have canceled claims 1-12 without prejudice or disclaimer. Therefore, the rejections of claims 1-12 are moot.

Applicants reserve the right to pursue the subject matter in claims 1-12 at a later time in the present application or another application, such as a continuing application.

B. New Claims 13-15

Applicants have added new claims 13-15. Claims 13-15 are allowable over the cited art. Specifically, *Kawarai* and *Shioi* fail to teach or suggest at least the following features recited in new independent claim 13:

playback control means for setting a read start position of the stream data at a leading frame position of a first-type data block as a main and at a leading frame position of a second-type data block as a sub when the means for playing back plays back the stream data from the data storage means,

¹ Page 5 of the Office Action indicates that claim 6 is rejected under 35 U.S.C. § 103(a). Applicants assume that this is a typographical error and that the Examiner intended to reject claim 8 instead.

wherein the playback control means, when the read start position is set at the leading frame position of the second-type data block as the sub, refers to time stamp information recorded in the first-type data block as the main, [and] determines the second-type data block having the smallest time difference from a time indicated by the referred time stamp information.

To the contrary, *Kawarai* merely discloses a packet switch for routing a variable-length packet or frame.² And, *Shioi* merely discloses a device for managing a multimedia file by linking index information to the file to identify the file's contents.³ The index information of *Shioi* includes (1) a source identifier for a source having a title frame formed from one or more management units associated with the file, (2) a position of a leading frame of the title frame, and (3) a position of a tail frame of the title frame.⁴ From the positions of the leading frame and the tail frame, *Shioi* is able to identify the contents of the file using multiple management units, instead of just a single frame have a specified characteristic.⁵ This is not the same as and does not suggest the "playback control means . . ." features in claim 13.

Accordingly, for at least the above reasons, *Kawarai* and *Shioi* fail to teach or suggest every element recited in new independent claim 13, and claim 13 is allowable. Claims 14 and 15 are allowable at least by virtue of their dependence upon allowable claim 13 in addition to the patentable subject matter recited therein.

CONCLUSION

Applicants respectfully request reconsideration of this application and the timely allowance of the pending claims.

² *Kawarai*, ¶ [0001].

³ *Shioi*, Abstract, col. 1, lines 5-11.

⁴ *Id.*, col. 3, lines 37-43.

⁵ *Id.*, col. 3, lines 47-54.

Applicants note that the Office Action contains statements reflecting assertions concerning the related art and claims. Regardless of whether any such statement is addressed specifically herein, Applicants decline to automatically subscribe to any assertion or characterization in the Office Action.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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